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SENATE BILL 1398 By
Herron

HOUSE BILL 1996
By Jones S

AN ACT to amend Tennessee Code Annotated, Title 63 and Title 68, relative to nurse staffing ratios.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new section:

68-11-256.

(a) By January 1, 2004, the department of health shall adopt rules that establish minimum, specific, and numerical licensed nurse-to-patient ratios by licensed nurse classification and by hospital unit for all health facilities licensed pursuant to this chapter as hospitals. The department shall adopt these regulations in accordance with the provisions of title 4, chapter 5. The department shall review these rules five (5) years after adoption and shall report to the general assembly regarding any proposed changes. Flexibility shall be considered by the department for rural general acute care hospitals in response to their special needs. As used in this subsection, "hospital unit"

means a critical care unit, burn unit, labor and delivery room, postanesthesia service area, emergency department, operating room, pediatric unit, step-down/intermediate care unit, specialty care unit, telemetry unit, general medical care unit, subacute care unit, and transitional inpatient care unit. The regulation addressing the emergency department shall distinguish between regularly scheduled core staff licensed nurses and additional licensed nurses required to care for critical care patients in the emergency department.

(b) These ratios shall constitute the minimum number of registered and licensed nurses that shall be allocated. Additional staff shall be assigned in accordance with a documented patient classification system for determining nursing care requirements, including the severity of the illness, the need for specialized equipment and technology, the complexity of clinical judgment needed to design, implement, and evaluate the patient care plan and the ability for self-care, and the licensure of the personnel required for care.

(c) "Critical care unit" as used in this section means a unit that is established to safeguard and protect patients whose severity of medical conditions requires continuous monitoring, and complex intervention by licensed nurses.

(d) All hospitals licensed under this chapter shall adopt written policies and procedures for training and orientation of nursing staff.

(e) No registered nurse shall be assigned to a nursing unit or clinical area unless that nurse has first received orientation in that clinical area sufficient to provide competent care to patients in that area, and has demonstrated current competence in providing care in that area.

(f) The written policies and procedures for orientation of nursing staff shall require that all temporary personnel shall receive orientation and be subject to competency validation consistent with title 63, chapter 7.

(g) Requests for waivers to this section that do not jeopardize the health, safety, and well-being of patients affected and that are needed for increased operational efficiency may be granted by the department of health to rural general acute care hospitals.

(h) In case of conflict between this section and any statute or rule defining the scope of nursing practice, the scope of practice provisions shall control.

(i) The rules adopted by the department shall augment and not replace existing nurse-to-patient ratios that exist in rule or law for the intensive care units, the neonatal intensive care units, or the operating room.

(j) The rules adopted by the department shall not replace existing licensed staff-to-patient ratios for facilities operated by the department of mental health and developmental disabilities.

(k) The rules adopted by the department for health facilities licensed under title 33 that are not operated by the department of mental health and developmental disabilities shall take into account the special needs of the patients served in the psychiatric units.

(l) The department may take into consideration the unique nature of teaching hospitals as educational institutions when establishing licensed nurse-to-patient ratios. The department shall coordinate with the board of nursing to ensure that staffing ratios are consistent with the board of nursing-approved nursing education requirements.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.